

United States Courts
Southern District of Texas
FILED

FEB 28 2018

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Valerie RIVAS

CRIMINAL COMPLAINT

Case Number: 2:18mj251

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 26, 2018 in Kenedy County, in the
(Date)
Southern District of Texas defendant, **Valerie RIVAS**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
Official Title
following facts:

See Attached Affidavit of U.S. Border Patrol Agent

Christopher Alaniz

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Sworn to before me and signed in my presence, and probable cause found on the:

Signature of Complainant

Christopher Alaniz

Printed Name of Complainant

February 28, 2018 4:50pm

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On February 26, 2018 at approximately 8:17 p.m., Valerie RIVAS was turned over to the Corpus Christi Border Patrol Station by Agents from CBP Air and Marine Operations (AMO). This was a result of a Coast Guard helicopter that was in the area to search for subjects associated to an administrative alien smuggling case that had been apprehended previously the same day.

FACTS/DETAILS:

The following details and facts listed are related to the encounter and arrest of RIVAS;

On February 25, 2018, National Seashore Park Rangers stopped a black SUV near the entrance of Padre Island National Seashore for traffic violations resulted in the arrest of a Lawful Permanent Resident Alien (LAPR) female and two undocumented illegal immigrant males from Mexico. Upon being taken into custody, advised of their rights, all three were interviewed and record checks were conducted to determine any previous immigration or criminal arrest history.

An Administrative Alien Smuggling case was initiated with prosecution not being pursued.

On February 26, 2018 at approximately 9:00 a.m. Corpus Christi Border Patrol Agents (BPA) J. Maldonado and J. Guzman encountered two undocumented illegal immigrants from Mexico, Fidel VILLARREAL-Sifuentes, and Alfredo SALAZAR-Hernandez later identified as the "boyfriend" of RIVAS. At the time they were encountered the two subjects stated that they had no water and had been walking for several days. The subject further stated that there were several other subjects walking in the dunes. As a result of this assistance from U.S. Coast Guard and CBP Air Marine units was requested in locating the subjects.

On February 26, 2018, at approximately 8:00 p.m., a U.S. Coast Guard helicopter was flying over the area utilizing the aircrafts FLIR (Forward Looking Infrared Radiometer) system to assist Border Patrol and Air Marine agents searching for additional subjects associated to an administrative alien smuggling case that had been apprehended previously the same day.

ENCOUNTER:

At approximately 8:17 p.m., the Coast Guard helicopter reported that they had spotted several subjects laying in the dunes in what appeared to be a fetal position. The pilot maneuvered the helicopter, hovering over the area until CBP and Air Marine agents arrived.

Air Marine Agents D. Hill, C. Garcia and J. Wilhelm arrived at the location and discovered two subject hiding in the dunes, one identified as RIVAS, a United States Citizen from Brownsville, Texas and the other subject, an undocumented illegal immigrant from Mexico identified as Jose Raul PEREZ-Brasoria.

Upon making the initial contact during a pat-down of a backpack in RIVAS's possession, agents discovered a weapon at which point RIVAS identified herself as a Brownsville Police Officer. Agents

later discovered her Brownsville Police Department Credentials located inside RIVAS' vehicle, a white 2015 Hyundai Tucson which was discovered approximately 1 mile north of where she was found hiding in the sand dunes. At that point AMO agents contacted Border Patrol Agent M. Baker who was waiting at the Park Ranger Station advising them that RIVAS and PEREZ-Brasoria were being taken into custody and they were transporting them to their location and requested their assistance.

VERBAL/ I-214 MIRANDA RIGHTS:

RIVAS was verbally advised (in English) and PEREZ-Brasoria (in Spanish) of their Miranda Warnings by BPA M. Baker and AMO Agent M. Salas, which they acknowledged that they understood their rights and were willing to answer questions and make statements without the presence of an attorney.

RIVAS agreed to freely speak to Agent Baker and DEA Supervisor C. Boardman and gave a verbal statement. After being transported to the Border Patrol Station RIVAS gave a video sworn statement.

PRINCIPAL STATEMENT:

RIVAS stated that she has been a Police Officer for the City of Brownsville, Texas for approximately one (1) year and prior to being a police officer, she was employed as a dispatcher with Brownsville Police Department.

RIVAS stated that she is currently dating one of the undocumented illegal immigrants was apprehended on the island and identified him as Alfredo SALAZAR-Hernandez. RIVAS stated that she has been dating him for approximately twelve (12) years. RIVAS freely stated she was aware that SALAZAR is an undocumented illegal immigrant from Tabasco, Mexico.

NOTE:

(SALAZAR had been apprehended in a smuggling event in the same area several hours prior)

RIVAS stated that she was aware that SALAZAR was going to be smuggled from Brownsville, Texas to Victoria, Texas on Saturday February 24th, 2018 via South Padre Island during the time she was to be working her shift with Brownsville Police Department as a Patrol Officer.

RIVAS stated SALAZAR was supposed to arrive at his destination (Victoria, Texas) by Sunday February 25th, 2018 and was supposed to contact her. RIVAS state when she did not hear from SALAZAR at the designated time she contacted an unnamed coconspirator to ask about SALAZAR. RIVAS stated she was later contacted by another unnamed coconspirator and that person gave her information about SALAZAR.

RIVAS stated when she asked about SALAZAR, she was informed by the unnamed coconspirator that the people who were supposed to pick him up had been arrested and could not pick up SALAZAR. The subjects were described as two male subjects that had been deported and one female Permanent Resident.

RIVAS stated she began to worry about SALAZAR and decided to try to locate him on the Padre Island National Seashore (PINS). RIVAS stated she left Brownsville at approximately 2:00 p.m. on February 26, 2018 and began driving north with directions and instructions provided to her by the unnamed coconspirator to locate the area along the beach where SALAZAR was to have been picked up initially.

RIVAS stated she drove north and passed through the Kingsville Border Patrol Checkpoint at approximately 3:09 p.m. (verified) driving a white Hyundai Tucson. RIVAS stated she had borrowed the vehicle from her sister due to the vehicle having more ground clearance than RIVAS' Honda Accord which would be needed for driving on the sand on the PINS.

RIVAS stated she arrived at the Padre Island National Seashore at approximately 5:30 p.m., following the instructions provided to her and drove south to approximately Mile Marker 16 where she was forced to park the vehicle because she felt the vehicle could not continue to safely travel on the beach because of the sand. RIVAS stated she continued to travel on foot southbound on the beach and was blowing a whistle in attempts to locate SALAZAR. RIVAS stated she brought along the whistle hoping SALAZAR would hear it and come out. While attempting to locate SALAZAR, RIVAS stated she came across a subject, which was later identified as Jose Raul PEREZ-Basoria who was with her when she was encountered by AMO Agents. RIVAS stated that she asked PEREZ about her boyfriend, SALAZAR, in which he told her that he had gone up ahead with other subjects.

RIVAS freely stated that when they heard the helicopter flying overhead, she attempted to hide from it because she knew that it was illegal to transport illegal aliens and did not want to be apprehended doing so.

MIRANDA WARNING: (SALAZAR)

SALAZAR was read his Miranda Warning Rights as per service form I-214 in his preferred language. SALAZAR signed the Miranda Warning Rights form indicating he understood his rights and was not willing to make a statement and answer questions without a lawyer present.

MIRANDA WARNING: (PEREZ)

PEREZ was read his Miranda Warning Rights as per service form I-214 in his preferred language. PEREZ signed the Miranda Warning Rights form indicating he understood his rights and was willing to make a statement and answer questions without a lawyer present.

MATERIAL WITNESS STATEMENT: (PEREZ)

PEREZ stated after crossing into the United States illegally, the group he was in were led through the brush on foot for two days to an area where they were picked up by a female in a Black SUV.

PEREZ stated he paid \$1500 to the unidentified male guide that crossed him into the United States, and was then going to pay an additional \$2000 when he arrived in Victoria, TX. PEREZ stated he along with seven others were dropped off at the beach (South Padre Island) and were instructed to take three inflatable rafts and cross the channel at night. PEREZ stated the female driver of the Black SUV told them she was going to pick them up by mile-marker 45 along the beach. PEREZ said they walked along the beach throughout the night and walked in the sand dunes during the daylight hours for two days.

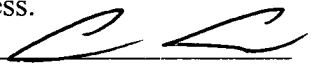
PEREZ stated they only provided with two gallons of drinking water for all seven of them. PEREZ stated they became tired and hungry. PEREZ stated two of the subjects left looking for food and never returned. Later that day two more subjects left the group hoping to turn themselves in to the authorities. PEREZ stated he left the remaining two subjects and went on ahead by himself.

PEREZ stated he continued walking north until coming in contact RIVAS who was walking south along the sand dunes (near mile-marker 20). PEREZ stated he came across RIVAS as she was walking along the sand dunes looking for her boyfriend SALAZAR who was in the group. PEREZ stated RIVAS was blowing a whistle as she walked and was also using a flashlight. PEREZ stated he asked RIVAS for food and water which she told him that she had some in her vehicle that was parked around the 20 mile marker. PEREZ stated RIVAS did not identify herself as a law enforcement or police officer to him and he was not aware that she had a weapon on her. PEREZ stated RIVAS was using the flashlight as they walked.

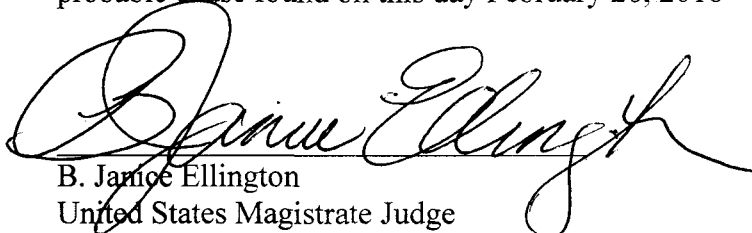
back to her car. PEREZ stated they heard a helicopter and saw it illuminate the sand dunes as it flew overhead and pass over them, RIVAS turned off the flashlight ran into the dunes. PEREZ stated he followed her and they both attempted to conceal themselves with the vegetation on the sand dunes. PEREZ stated RIVAS did not say anything or tell him to say or do anything when they were apprehended.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Valerie RIVAS for prosecution of 8 USC 1324, Alien Smuggling. Jose Raul PEREZ-Basoria and Alfredo SALAZAR-Hernandez will be held as Material Witness.


Christopher Alaniz
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day February 28, 2018


B. Janice Ellington
United States Magistrate Judge